



February 16, 2022

VIA ECF

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The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

On behalf of the Plaintiffs' Executive Committee for Commercial Claims and certain plaintiffs in the *Federal Insurance* action,¹ I write concerning the Statement of Interest filed by the United States on February 11, 2022 (ECF No. 7661), and the related letters submitted by Kreindler & Kreindler (ECF No. 7669), and Motley Rice and Anderson Kill (ECF No. 7670).

As discussed in its Statement of Interest, the United States has expressed its intention that certain frozen assets of Da Afghanistan Bank ("DAB") will remain subject to litigation, to determine whether they may be attached on the basis of judgments against the Taliban. In identifying the scope of that anticipated litigation, the United States' Statement of Interest specifically references the pending request by the plaintiffs in the *Federal Insurance* action that the Court rule on their 2007 motion for assessment of damages against the Taliban, along with more recent motions by other plaintiffs. *See* Statement of Interest of the United States, ECF No. 7661 at p. 12 (referencing the *Federal Insurance* plaintiffs' December 22, 2021 letter application at ECF No. 7496).

We are in agreement with our co-plaintiffs that resolution of the applications referenced on page 12 of the Statement of Interest would serve to promote orderly litigation proceedings in this context, as contemplated by the United States. As discussed in their December 22, 2021 letter, the Court already has issued rulings on the *Federal Insurance* plaintiffs' motion for assessment of damages, in the context of issuing monetary judgments in favor of those same plaintiffs against al Qaeda and Hezbollah, and the *Federal Insurance* plaintiffs are simply requesting that the Court extend those prior rulings to the liability judgment issued in their favor against the Taliban in 2006. *See* ECF No. 7496 at pp. 2-4; *see also Federal Insurance* Dkt. No. 626.

¹ *Federal Insurance, et al. v. Al Qaida, et al.*, Case No. 1:03-cv-06978 (GBD) (SN).

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Respectfully submitted,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read "Sean P. Carter", with a stylized, cursive script.

SEAN P. CARTER

cc: All MDL Counsel of Record (via ECF)

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